

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1567

**Introduced by Assembly Member Correa
(Principal coauthor: Assembly Member Firebaugh)
(Coauthors: Assembly Members Bermudez and Maddox)**

February 21, 2003

An act to amend Sections ~~830.2~~, 830.2 and 830.7 of, to amend and repeal Section 830.38 of, and to amend, repeal, and add Sections 830.3, 830.37, 830.4, and 830.11 of, and to repeal Section ~~830.38~~ of, the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1567, as amended, Correa. Peace officers: classification.

Existing law provides that specified persons are peace officers whose authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of specified laws. Existing law provides that a separate group of persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or making an arrest as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or in a state of emergency. Existing law authorizes this classification of peace officers to carry firearms only if authorized and under those terms and conditions as specified by their employing agencies. Other provisions designate various other persons as peace officers with various jurisdictions and authority. Still other provisions classify persons who are not peace

officers, but are given certain of the powers of peace officers in limited situations.

This bill would reclassify persons whose status as peace officers in current law carries generally less, or more circumscribed jurisdiction and authority into a classification providing that their authority extends to any place in the state provided that the primary duty of the peace officers is the enforcement of law within the jurisdiction of their appointing powers, with specified exceptions. *Under these new classifications, the bill would require officers to complete specified training.* For some of these reclassified peace officers, the bill would require that their primary duties shall include performing necessary duties with respect to patrons, employees, and properties of the peace officers' employing agencies. It would also reclassify as peace officers certain persons who are not peace officers, but have some limited peace officer powers in certain circumstances. *The replaced classifications would remain operative in parallel with the new classifications until July 1, 2006, at which time only the new classifications, with their greater powers, would be operative sources of authority for these officers. This bill would also provide that no new persons may be appointed to specified nonpeace officer positions at the California Science Center after July 1, 2006.* The officers reclassified by this bill are all in state employment, and would be placed under new, broad categories called state investigators and state marshals and police. Limitations on their authority to carry weapons would not be applicable. The bill would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (1) *It is the duty of government to protect the public safety and*
- 4 *welfare of Californians, especially those unable to defend*
- 5 *themselves from wrongful harm.*
- 6 (2) *That terrorism is a new domestic threat that must be*
- 7 *prepared for by the state.*
- 8 (3) *State Bargaining Unit 7, also known as the California*
- 9 *Union of Safety Employees or CAUSE, represents a diverse and*



1 *highly qualified group of Peace Officer Investigators and*
2 *Uniformed Peace Officers.*

3 *(4) Local law enforcement and the California Highway Patrol*
4 *are already understaffed and over utilized, and the diversion of any*
5 *of their public safety workforce jeopardizes the safety of the*
6 *communities that they already service.*

7 *(5) Unit 7 members, some of whom are now on call for response*
8 *to terrorist threats, could, without jeopardizing the public's safety,*
9 *respond with a sizable force to threats and emergencies of any*
10 *nature.*

11 *(6) That uniform training provides a higher standard of peace*
12 *officer, able to function at a more efficient and independent level.*

13 *(7) That uniform training standards offer more opportunities*
14 *for interagency transfer and promotion and therefore promote*
15 *better working conditions.*

16 *(8) Unlike most law enforcement positions, Unit 7 employees*
17 *have direct supervision by nonlaw enforcement personnel, who are*
18 *not held to the same professional standards.*

19 *(9) That at times there is an adversarial relationship between*
20 *the enforcement divisions of those departments and agencies and*
21 *the main duties and functions of those same departments and*
22 *agencies.*

23 *(b) It is the intent of the legislature in enacting this act to do all*
24 *of the following:*

25 *(1) Employ highly trained and well equipped peace officers as*
26 *a means of best protecting the public safety and welfare of*
27 *Californians.*

28 *(2) Combine the unnecessarily cumbersome classifications of*
29 *state employed peace officers from Bargaining Unit 7 into only two*
30 *classifications that are either peace officer investigators or*
31 *uniformed peace officers.*

32 *(3) Provide for uniform training to promote higher standards,*
33 *greater efficiency, and an independence from undue influence,*
34 *therefore creating a better working environment and providing*
35 *greater services to the public.*

36 *(4) Provide a means by which the Governor can plan for and*
37 *utilize trained peace officers to prevent and combat terrorist*
38 *threats or emergencies without jeopardizing the safety of the public*
39 *by using other already-deployed public safety resources.*

40 **SEC. 2.** Section 830.2 of the Penal Code is amended to read:

1 830.2. The following persons are peace officers whose
2 authority extends to any place in the state:

3 (a) Any member of the Department of the California Highway
4 Patrol including those members designated under subdivision (a)
5 of Section 2250.1 of the Vehicle Code, provided that the primary
6 duty of the peace officer is the enforcement of any law relating to
7 the use or operation of vehicles upon the highways, or laws
8 pertaining to the provision of police services for the protection of
9 state officers, state properties, and the occupants of state
10 properties, or both, as set forth in the Vehicle Code and
11 Government Code.

12 (b) A member of the University of California Police
13 Department appointed pursuant to Section 92600 of the Education
14 Code, provided that the primary duty of the peace officer shall be
15 the enforcement of the law within the area specified in Section
16 92600 of the Education Code.

17 (c) A member of the California State University Police
18 Departments appointed pursuant to Section 89560 of the
19 Education Code, provided that the primary duty of the peace
20 officer shall be the enforcement of the law within the area specified
21 in Section 89560 of the Education Code.

22 (d) (1) Any member of the Law Enforcement and
23 Investigations Unit of the Department of Corrections, provided
24 that the primary duties of the peace officer shall be the
25 investigation or apprehension of parolees, parole violators, or
26 escapees from state institutions, the transportation of those
27 persons, and the coordination of those activities with other
28 criminal justice agencies.

29 (2) Any member of the Office of Internal Affairs of the
30 Department of Corrections, provided that the primary duties shall
31 be criminal investigations of Department of Corrections personnel
32 and the coordination of those activities with other criminal justice
33 agencies. For purposes of this subdivision the member of the
34 Office of Internal Affairs shall possess certification from the
35 Commission on Peace Officer Standards and Training for
36 investigators, or have completed training pursuant to Section
37 6126.1 of the Penal Code.

38 (e) Employees of the Department of Fish and Game designated
39 by the director, provided that the primary duty of those peace

1 officers shall be the enforcement of the law as set forth in Section
2 856 of the Fish and Game Code.

3 (f) Employees of the Department of Parks and Recreation
4 designated by the director pursuant to Section 5008 of the Public
5 Resources Code, provided that the primary duty of the peace
6 officer shall be the enforcement of the law as set forth in Section
7 5008 of the Public Resources Code.

8 (g) The Director of Forestry and Fire Protection and employees
9 or classes of employees of the Department of Forestry and Fire
10 Protection designated by the director pursuant to Section 4156 of
11 the Public Resources Code, provided that the primary duty of the
12 peace officer shall be the enforcement of the law as that duty is set
13 forth in Section 4156 of the Public Resources Code.

14 (h) Any state investigator employed by the state, provided that
15 the primary duty of these peace officers shall be the enforcement
16 of law relating to the state agency or department that employs
17 them. State investigators shall include all of the persons designated
18 by the following agency and division heads, or other appointing
19 authorities, with regard to the enforcement of laws within the
20 jurisdiction of each:

21 (1) The Director of Alcoholic Beverage Control.

22 (2) The Director of Consumer Affairs.

23 (3) The Director of Motor Vehicles.

24 (4) The California Horse Racing Board.

25 (5) The State Fire Marshal.

26 (6) The Chief of the Food and Drug Section of the State
27 Department of Health Services.

28 (7) The Labor Commissioner.

29 (8) The directors of the following departments and offices:

30 (A) The State Department of Health Services.

31 (B) The State Department of Social Services.

32 (C) The State Department of Mental Health.

33 (D) The Department of Developmental Services.

34 (E) The Department of Alcohol and Drug Programs.

35 (F) The Department of Toxic Substances Control.

36 (G) The Office of Statewide Health Planning and
37 Development.

38 (H) The Public Employees' Retirement System.

39 (9) The Chief of the Bureau of Fraudulent Claims.

1 (10) The Director of the Department of Housing and
2 Community Development.

3 (11) The Controller.

4 (12) The Commissioner of Corporations.

5 (13) The Director of the Office of Emergency Services.

6 (14) The Secretary of State.

7 (15) The Deputy Director for Security of the California State
8 Lottery.

9 (16) The Director of Employment Development.

10 (17) The Franchise Tax Board.

11 (18) The Director of the Department of Managed Health Care.

12 (19) The Chief of the Investigations Bureau of the Department
13 of Insurance.

14 (i) Marshals and police employed by the state provided that the
15 primary duties of these peace officers shall be the enforcement of
16 law relating to the state agency or department which employs
17 them, and performing necessary duties with respect to patrons,
18 employees, and properties of their employing agencies. State
19 marshals and police shall include all of the persons designated by
20 the following agency and division heads, or other appointing
21 authorities, with regard to the enforcement of laws within the
22 jurisdiction of each:

23 (1) The Director of Mental Health.

24 (2) The Director of Developmental Services.

25 (3) The Executive Director of the California Science Center.

26 (4) The Board of Directors of the California Exposition and
27 State Fair.

28 (5) The Commissioner of Financial Institutions.

29 (6) The Commissioner of Real Estate.

30 (7) The Executive Officer of the State Lands Commission.

31 (8) The Executive Officer of the Military Department.

32 (9) The Attorney General.

33 (j) People made peace officers by Section 830.1 who are also
34 appointed by ~~authorities listed in subdivisions (h) and an authority~~
35 *listed in subdivision (i)* shall be considered peace officers as
36 provided in Section 830.1.

37 (k) *No later than six months from being appointed under*
38 *subdivision (h) or (i), or prior to being hired under either of those*
39 *subdivisions, in addition to specialized training provided to an*
40 *officer by the employing agency, an officer shall have completed*

1 *the training as prescribed under Section 832. An officer under*
2 *subdivision (h) shall also have completed the Specialized*
3 *Investigators Basic Course, and an officer under subdivision (i)*
4 *shall also have completed the Regular Basic Course, as developed*
5 *by the Commission on Peace Officer Standards and Training.*
6 *Every peace officer under subdivision (h) or (i) shall have*
7 *successfully completed the firearms training as required by Section*
8 *832 and shall requalify in the use of firearms every six month or*
9 *less as directed by the employing agency.*

10 (l) The Inspector General, pursuant to Section 6125, and the
11 Chief Deputy Inspector General In Charge, the Senior Deputy
12 Inspector General, the Deputy Inspector General, and those
13 employees of the Inspector General as designated by the Inspector
14 General, are peace officers, provided that the primary duty of these
15 peace officers shall be conducting audits of investigatory practices
16 and other audits, as well as conducting investigations, of the
17 Department of Corrections, the Department of the Youth
18 Authority, the Board of Prison Terms, the Youthful Offender
19 Parole Board, or the Board of Corrections.

20 ~~SEC. 2.—Section 830.3 of the Penal Code is amended to read:~~

21 *SEC. 3. Section 830.3 of the Penal Code is amended to read:*

22 830.3. The following persons are peace officers whose
23 authority extends to any place in the state for the purpose of
24 performing their primary duty or when making an arrest pursuant
25 to Section 836 of the Penal Code as to any public offense with
26 respect to which there is immediate danger to person or property,
27 or of the escape of the perpetrator of that offense, or pursuant to
28 Section 8597 or 8598 of the Government Code. These peace
29 officers may carry firearms only if authorized and under those
30 terms and conditions as specified by their employing agencies:

31 (a) Persons employed by the Division of Investigation of the
32 Department of Consumer Affairs and investigators of the Medical
33 Board of California and the Board of Dental Examiners, who are
34 designated by the Director of Consumer Affairs, provided that the
35 primary duty of these peace officers shall be the enforcement of the
36 law as that duty is set forth in Section 160 of the Business and
37 Professions Code. The Director of Consumer Affairs shall
38 designate as peace officers seven persons who shall at the time of
39 their designation be assigned to the investigations unit of the Board
40 of Dental Examiners.

1 (b) Voluntary fire wardens designated by the Director of
2 Forestry and Fire Protection pursuant to Section 4156 of the Public
3 Resources Code, provided that the primary duty of these peace
4 officers shall be the enforcement of the law as that duty is set forth
5 in Section 4156 of that code.

6 (c) Employees of the Department of Motor Vehicles designated
7 in Section 1655 of the Vehicle Code, provided that the primary
8 duty of these peace officers shall be the enforcement of the law as
9 that duty is set forth in Section 1655 of that code.

10 (d) Investigators of the California Horse Racing Board
11 designated by the board, provided that the primary duty of these
12 peace officers shall be the enforcement of Chapter 4 (commencing
13 with Section 19400) of Division 8 of the Business and Professions
14 Code and Chapter 10 (commencing with Section 330) of Title 9 of
15 Part 1 of this code.

16 (e) The State Fire Marshal and assistant or deputy state fire
17 marshals appointed pursuant to Section 13103 of the Health and
18 Safety Code, provided that the primary duty of these peace officers
19 shall be the enforcement of the law as that duty is set forth in
20 Section 13104 of that code.

21 (f) Inspectors of the food and drug section designated by the
22 chief pursuant to subdivision (a) of Section 106500 of the Health
23 and Safety Code, provided that the primary duty of these peace
24 officers shall be the enforcement of the law as that duty is set forth
25 in Section 106500 of that code.

26 (g) All investigators of the Division of Labor Standards
27 Enforcement designated by the Labor Commissioner, provided
28 that the primary duty of these peace officers shall be the
29 enforcement of the law as prescribed in Section 95 of the Labor
30 Code.

31 (h) All investigators of the State Departments of Health
32 Services, Social Services, Mental Health, Developmental
33 Services, and Alcohol and Drug Programs, the Department of
34 Toxic Substances Control, the Office of Statewide Health
35 Planning and Development, and the Public Employees'
36 Retirement System, provided that the primary duty of these peace
37 officers shall be the enforcement of the law relating to the duties
38 of his or her department, or office. Notwithstanding any other
39 provision of law, investigators of the Public Employees'
40 Retirement System shall not carry firearms.

1 (i) The Chief of the Bureau of Fraudulent Claims of the
2 Department of Insurance and those investigators designated by the
3 chief, provided that the primary duty of those investigators shall
4 be the enforcement of Section 550.

5 (j) Employees of the Department of Housing and Community
6 Development designated under Section 18023 of the Health and
7 Safety Code, provided that the primary duty of these peace officers
8 shall be the enforcement of the law as that duty is set forth in
9 Section 18023 of that code.

10 (k) Investigators of the office of the Controller, provided that
11 the primary duty of these investigators shall be the enforcement of
12 the law relating to the duties of that office. Notwithstanding any
13 other law, except as authorized by the Controller, the peace officers
14 designated pursuant to this subdivision shall not carry firearms.

15 (l) Investigators of the Department of Corporations designated
16 by the Commissioner of Corporations, provided that the primary
17 duty of these investigators shall be the enforcement of the
18 provisions of law administered by the Department of
19 Corporations. Notwithstanding any other provision of law, the
20 peace officers designated pursuant to this subdivision shall not
21 carry firearms.

22 (m) Persons employed by the Contractors' State License Board
23 designated by the Director of Consumer Affairs pursuant to
24 Section 7011.5 of the Business and Professions Code, provided
25 that the primary duty of these persons shall be the enforcement of
26 the law as that duty is set forth in Section 7011.5, and in Chapter
27 9 (commencing with Section 7000) of Division 3, of that code. The
28 Director of Consumer Affairs may designate as peace officers not
29 more than three persons who shall at the time of their designation
30 be assigned to the special investigations unit of the board.
31 Notwithstanding any other provision of law, the persons
32 designated pursuant to this subdivision shall not carry firearms.

33 (n) The chief and coordinators of the Law Enforcement
34 Division of the Office of Emergency Services.

35 (o) Investigators of the office of the Secretary of State
36 designated by the Secretary of State, provided that the primary
37 duty of these peace officers shall be the enforcement of the law as
38 prescribed in Chapter 3 (commencing with Section 8200) of
39 Division 1 of Title 2 of, and Section 12172.5 of, the Government
40 Code. Notwithstanding any other provision of law, the peace

1 officers designated pursuant to this subdivision shall not carry
2 firearms.

3 (p) The Deputy Director for Security designated by Section
4 8880.38 of the Government Code, and all lottery security
5 personnel assigned to the California State Lottery and designated
6 by the director, provided that the primary duty of any of those
7 peace officers shall be the enforcement of the laws related to
8 assuring the integrity, honesty, and fairness of the operation and
9 administration of the California State Lottery.

10 (q) Investigators employed by the Investigation Division of the
11 Employment Development Department designated by the director
12 of the department, provided that the primary duty of those peace
13 officers shall be the enforcement of the law as that duty is set forth
14 in Section 317 of the Unemployment Insurance Code.

15 Notwithstanding any other provision of law, the peace officers
16 designated pursuant to this subdivision shall not carry firearms.

17 (r) The chief and assistant chief of museum security and safety
18 of the California Science Center, as designated by the executive
19 director pursuant to Section 4108 of the Food and Agricultural
20 Code, provided that the primary duty of those peace officers shall
21 be the enforcement of the law as that duty is set forth in Section
22 4108 of the Food and Agricultural Code.

23 (s) Employees of the Franchise Tax Board designated by the
24 board, provided that the primary duty of these peace officers shall
25 be the enforcement of the law as set forth in Chapter 9
26 (commencing with Section 19701) of Part 10.2 of Division 2 of the
27 Revenue and Taxation Code.

28 (t) Notwithstanding any other provision of this section, a peace
29 officer authorized by this section shall not be authorized to carry
30 firearms by his or her employing agency until that agency has
31 adopted a policy on the use of deadly force by those peace officers,
32 and until those peace officers have been instructed in the
33 employing agency's policy on the use of deadly force.

34 Every peace officer authorized pursuant to this section to carry
35 firearms by his or her employing agency shall qualify in the use of
36 the firearms at least every six months.

37 (u) Investigators of the Department of Managed Health Care
38 designated by the Director of the Department of Managed Health
39 Care, provided that the primary duty of these investigators shall be
40 the enforcement of the provisions of laws administered by the

Director of the Department of Managed Health Care. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 830.3 is added to the Penal Code, to read:

830.3. (a) Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code. These peace officers may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies:

(b) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.

Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.

(c) This section shall become operative on July 1, 2006.

~~SEC. 3.—Section 830.37 of the Penal Code is amended to read:~~

SEC. 5. Section 830.37 of the Penal Code is amended to read:

830.37. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of

1 the Government Code. These peace officers may carry firearms
2 only if authorized and under terms and conditions specified by
3 their employing agency:

4 (a) Members of an arson-investigating unit, regularly paid and
5 employed in that capacity, of a fire department or fire protection
6 agency of a county, city, city and county, district, or the state, if the
7 primary duty of these peace officers is the detection and
8 apprehension of persons who have violated any fire law or
9 committed insurance fraud.

10 (b) Members other than members of an arson-investigating
11 unit, regularly paid and employed in that capacity, of a fire
12 department or fire protection agency of a county, city, city and
13 county, district, or the state, if the primary duty of these peace
14 officers, when acting in that capacity, is the enforcement of laws
15 relating to fire prevention or fire suppression.

16 (c) Voluntary fire wardens as are designated by the Director of
17 Forestry and Fire Protection pursuant to Section 4156 of the Public
18 Resources Code, provided that the primary duty of these peace
19 officers shall be the enforcement of the law as that duty is set forth
20 in Section 4156 of the Public Resources Code.

21 (d) Firefighter/security guards by the Military Department, if
22 the primary duty of the peace officer is the enforcement of the law
23 in or about properties owned, operated, or administered by the
24 employing agency or when performing necessary duties with
25 respect to patrons, employees, and properties of the employing
26 agency.

27 *This section shall become inoperative on July 1, 2006, and, as*
28 *of January 1, 2007, is repealed, unless a later enacted statute, that*
29 *becomes operative on or before January 1, 2007, deletes or*
30 *extends the dates on which it becomes inoperative and is repealed.*

31 SEC. 6. Section 830.37 is added to the Penal Code, to read:

32 830.37. The following persons are peace officers whose
33 authority extends to any place in the state for the purpose of
34 performing their primary duty or when making an arrest pursuant
35 to Section 836 as to any public offense with respect to which there
36 is immediate danger to person or property, or of the escape of the
37 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
38 the Government Code. These peace officers may carry firearms
39 only if authorized and under terms and conditions specified by
40 their employing agency:

1 (a) Members of an arson-investigating unit, regularly paid and
2 employed in that capacity, of a fire department or fire protection
3 agency of a county, city, city and county, or district if the primary
4 duty of these peace officers is the detection and apprehension of
5 persons who have violated any fire law or committed insurance
6 fraud.

7 (b) Members other than members of an arson-investigating
8 unit, regularly paid and employed in that capacity, of a fire
9 department or fire protection agency of a county, city, city and
10 county, or district if the primary duty of these peace officers, when
11 acting in that capacity, is the enforcement of laws relating to fire
12 prevention or fire suppression.

13 (c) Voluntary fire wardens as are designated by the Director of
14 Forestry and Fire Protection pursuant to Section 4156 of the Public
15 Resources Code, provided that the primary duty of these peace
16 officers shall be the enforcement of the law as that duty is set forth
17 in Section 4156 of the Public Resources Code.

18 *This section shall become operative on July 1, 2006.*

19 ~~SEC. 4. Section 830.38 of the Penal Code is repealed.~~

20 ~~SEC. 5. Section 830.4 of the Penal Code is amended to read:~~

21 *SEC. 7. Section 830.38 of the Penal Code is amended to read:*

22 830.38. (a) The officers of a state hospital under the
23 jurisdiction of the State Department of Mental Health or the State
24 Department of Developmental Services appointed pursuant to
25 Section 4313 or 4493 of the Welfare and Institutions Code, are
26 peace officers whose authority extends to any place in the state for
27 the purpose of performing their primary duty or when making an
28 arrest pursuant to Section 836 as to any public offense with respect
29 to which there is immediate danger to person or property, or of the
30 escape of the perpetrator of that offense, or pursuant to Section
31 8597 or 8598 of the Government Code provided that the primary
32 duty of the peace officers shall be the enforcement of the law as set
33 forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and
34 Institutions Code. Those peace officers may carry firearms only if
35 authorized and under terms and conditions specified by their
36 employing agency.

37 (b) *This section shall become inoperative on July 1, 2006, and,*
38 *as of January 1, 2007, is repealed, unless a later enacted statute,*
39 *that becomes operative on or before January 1, 2007, deletes or*
40 *extends the dates on which it becomes inoperative and is repealed.*

1 *SEC. 8. Section 830.4 of the Penal Code is amended to read:*

2 830.4. The following persons are peace officers whose
3 authority extends to any place in the state for the purpose of
4 performing their duties under the conditions as specified by
5 statute. Those peace officers may carry firearms only if authorized
6 and under terms and conditions specified by their employing
7 agency.

8 (a) Members of the California National Guard have the powers
9 of peace officers when they are involved in any or all of the
10 following:

11 (1) Called or ordered into active state service by the Governor
12 pursuant to the provisions of Section 143 or 146 of the Military and
13 Veterans Code.

14 (2) Serving within the area wherein military assistance is
15 required.

16 (3) Directly assisting civil authorities in any of the situations
17 specified in Section 143 or 146.

18 The authority of the peace officer under this subdivision extends
19 to the area wherein military assistance is required as to a public
20 offense committed or which there is reasonable cause to believe
21 has been committed within that area. The requirements of Section
22 1031 of the Government Code are not applicable under those
23 circumstances.

24 (b) Guards and messengers of the Treasurer's office when
25 performing assigned duties as a guard or messenger.

26 (c) Security officers of the Department of Justice when
27 performing assigned duties as security officers.

28 (d) Security officers of Hastings College of the Law. These
29 officers shall have authority of peace officers only within the City
30 and County of San Francisco. Notwithstanding any other
31 provisions of law, the peace officers designated by this subdivision
32 shall not be authorized by this subdivision to carry firearms either
33 on or off duty. Notwithstanding any other provision of law, the act
34 which designated the persons described in this subdivision as
35 peace officers shall serve only to define those persons as peace
36 officers, the extent of their jurisdiction, and the nature and scope
37 of their authority, powers, and duties, and there shall be no change
38 in the status of those persons for purposes of retirement, workers'
39 compensation or similar injury or death benefits, or other
40 employee benefits.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 830.4 is added to the Penal Code, to read:

830.4. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their duties under the conditions as specified by statute. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) Members of the California National Guard have the powers of peace officers when they are involved in any or all of the following:

(1) Called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code.

(2) Serving within the area wherein military assistance is required.

(3) Directly assisting civil authorities in any of the situations specified in Section 143 or 146.

The authority of the peace officer under this subdivision extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under those circumstances.

(b) Guards and messengers of the Treasurer's office when performing assigned duties as a guard or messenger.

(c) Security officers of Hastings College of the Law. These officers shall have authority of peace officers only within the City and County of San Francisco. Notwithstanding any other provisions of law, the peace officers designated by this subdivision shall not be authorized by this subdivision to carry firearms either on or off duty. Notwithstanding any other provision of law, the act which designated the persons described in this subdivision as peace officers shall serve only to define those persons as peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers, and duties, and there shall be no change in the status of those persons for purposes of retirement, workers'

1 compensation or similar injury or death benefits, or other
2 employee benefits.

3 ~~SEC. 6. Section 830.11 of the Penal Code is amended to read:~~

4 *(d) This section shall become operative on July 1, 2006.*

5 SEC. 10. Section 830.7 of the Penal Code is amended to read:

6 830.7. The following persons are not peace officers but may
7 exercise the powers of arrest of a peace officer as specified in
8 Section 836 during the course and within the scope of their
9 employment, if they successfully complete a course in the exercise
10 of those powers pursuant to Section 832:

11 (a) Persons designated by a cemetery authority pursuant to
12 Section 8325 of the Health and Safety Code.

13 (b) Persons regularly employed as security officers for
14 independent institutions of higher education, recognized under
15 subdivision (b) of Section 66010 of the Education Code, if the
16 institution has concluded a memorandum of understanding,
17 permitting the exercise of that authority, with the sheriff or the
18 chief of police within whose jurisdiction the institution lies.

19 (c) Persons regularly employed as security officers for health
20 facilities, as defined in Section 1250 of the Health and Safety
21 Code, that are owned and operated by cities, counties, and cities
22 and counties, if the facility has concluded a memorandum of
23 understanding, permitting the exercise of that authority, with the
24 sheriff or the chief of police within whose jurisdiction the facility
25 lies.

26 (d) Employees or classes of employees of the California
27 Department of Forestry and Fire Protection designated by the
28 Director of Forestry and Fire Protection, provided that the primary
29 duty of the employee shall be the enforcement of the law as that
30 duty is set forth in Section 4156 of the Public Resources Code.

31 (e) Persons regularly employed as inspectors, supervisors, or
32 security officers for transit districts, as defined in Section 99213
33 of the Public Utilities Code, if the district has concluded a
34 memorandum of understanding permitting the exercise of that
35 authority, with, as applicable, the sheriff, the chief of police, or the
36 Department of the California Highway Patrol within whose
37 jurisdiction the district lies. For the purposes of this subdivision,
38 the exercise of peace officer authority may include the authority
39 to remove a vehicle from a railroad right-of-way as set forth in
40 Section 22656 of the Vehicle Code.

1 (f) Nonpeace officers regularly employed as county parole
2 officers pursuant to Section 3089.

3 (g) Persons appointed by the Executive Director of the
4 California Science Center pursuant to Section 4108 of the Food
5 and Agricultural Code. *However, commencing July 1, 2006, no*
6 *new person may be appointed pursuant to this subdivision.*

7 (h) Persons regularly employed as investigators by the
8 Department of Transportation for the City of Los Angeles and
9 designated by local ordinance as public officers, to the extent
10 necessary to enforce laws related to public transportation, and
11 authorized by a memorandum of understanding with the chief of
12 police, permitting the exercise of that authority. For the purposes
13 of this subdivision, “investigator” means an employee defined in
14 Section 53075.61 of the Government Code authorized by local
15 ordinance to enforce laws related to public transportation.
16 Transportation investigators authorized by this section shall not be
17 deemed “peace officers” for purposes of Sections 241 and 243.

18 *SEC. 11. Section 830.11 of the Penal Code is amended to read:*

19 830.11. (a) The following persons are not peace officers but
20 may exercise the powers of arrest of a peace officer as specified in
21 Section 836 and the power to serve warrants as specified in
22 Sections 1523 and 1530 during the course and within the scope of
23 their employment, if they receive a course in the exercise of those
24 powers pursuant to Section 832. The authority and powers of the
25 persons designated under this section shall extend to any place in
26 the state:

27 (1) Persons employed by the Department of Financial
28 Institutions designated by the Commissioner of Financial
29 Institutions, provided that the primary duty of these persons shall
30 be the enforcement of, and investigations relating to, the
31 provisions of law administered by the Commissioner of Financial
32 Institutions.

33 (2) Persons employed by the Department of Real Estate
34 designated by the Real Estate Commissioner, provided that the
35 primary duty of these persons shall be the enforcement of the laws
36 set forth in Part 1 (commencing with Section 10000) and Part 2
37 (commencing with Section 11000) of Division 4 of the Business
38 and Professions Code. The Real Estate Commissioner may
39 designate persons under this section, who at the time of their

1 designation, are assigned to the Special Investigations Unit,
2 internally known as the Crisis Response Team.

3 (3) Persons employed by the State Lands Commission
4 designated by the executive officer, provided that the primary duty
5 of these persons shall be the enforcement of the law relating to the
6 duties of the State Lands Commission.

7 (4) Persons employed as investigators of the Investigations
8 Bureau of the Department of Insurance, who are designated by the
9 Chief of the Investigations Bureau, provided that the primary duty
10 of these persons shall be the enforcement of the Insurance Code
11 and other laws relating to persons and businesses, licensed and
12 unlicensed by the Department of Insurance, who are engaged in the
13 business of insurance.

14 (5) Persons employed as investigators and investigator
15 supervisors of the Consumer Services Division or the Rail Safety
16 and Carrier Division of the Public Utilities Commission who are
17 designated by the commission's executive director and approved
18 by the commission, provided that the primary duty of these
19 persons shall be the enforcement of the law as that duty is set forth
20 in Section 308.5 of the Public Utilities Code.

21 (b) Notwithstanding any other provision of law, persons
22 designated pursuant to this section shall not carry firearms.

23 (c) Persons designated pursuant to this section shall be included
24 as "peace officers of the state" under paragraph (2) of subdivision
25 (c) of Section 11105 for the purpose of receiving state summary
26 criminal history information and shall be furnished that
27 information on the same basis as peace officers of the state
28 designated in paragraph (2) of subdivision (c) of Section 11105.

29 (d) *This section shall become inoperative on July 1, 2006, and,*
30 *as of January 1, 2007, is repealed, unless a later enacted statute,*
31 *that becomes operative on or before January 1, 2007, deletes or*
32 *extends the dates on which it becomes inoperative and is repealed.*

33 SEC. 12. Section 830.11 is added to the Penal Code, to read:

34 830.11. (a) Persons employed as investigators and
35 investigator supervisors of the Consumer Services Division or the
36 Rail Safety and Carrier Division of the Public Utilities
37 Commission who are designated by the commission's executive
38 director and approved by the commission are not peace officers but
39 may exercise the powers of arrest of a peace officer as specified in
40 Section 836 and the power to serve warrants as specified in

1 Sections 1523 and 1530 during the course and within the scope of
2 their employment, if they receive a course in the exercise of those
3 powers pursuant to Section 832, provided that the primary duty of
4 these persons shall be the enforcement of the law as that duty is set
5 forth in Section 308.5 of the Public Utilities Code. The authority
6 and powers of the persons designated under this section shall
7 extend to any place in the state.

8 (b) Notwithstanding any other provision of law, persons
9 designated pursuant to this section shall not carry firearms.

10 (c) Persons designated pursuant to this section shall be included
11 as “peace officers of the state” under paragraph (2) of subdivision
12 (c) of Section 11105 for the purpose of receiving state summary
13 criminal history information and shall be furnished that
14 information on the same basis as peace officers of the state
15 designated in paragraph (2) of subdivision (c) of Section 11105.

16 (d) *This section shall become operative on July 1, 2006.*

